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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,779	08/26/2003	Alan L. Backus	65476-5010	4029

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EXAMINER

FUQUA, SHAWNTINA T

ART UNIT PAPER NUMBER

3742

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,779

Applicant(s)

BACKUS ET AL.

Examiner

Shawntina T. Fuqua

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-15 and 17-24 is/are rejected.
- 7) ☒ Claim(s) 10, 11 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because line 1 contains the implied phrase "The present invention is directed toward", and abstract contains more than 150 words.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 18 do not contain any structure for mounting the control box. It is unclear how the control box is mounted to the side wall.

5. Claims 5, 8, and 17 recites the limitation "the rotisserie" in lines 5, 3, and 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. Claims 1-4, 6-7, 12-15, and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen (US5961866) in view of Wang (US5778766).

Hansen discloses an oven (column 3, lines 35-37) comprising a cabinet (10) having a plurality of side walls (16, 18) each having an interior and exterior face (Figures 1-2), a control box (46) with an activation switch (50) wherein control box is attached to a first and second heating member (34, Figure 2), the control box is mounted on the exterior of one of the side walls and wherein the control box and heating members can be manually removed without the use of tools (Figure 2, column 5, lines 4-15), sidewalls have only a single panel (Figures 1-2), the control box is removed by pulling orthogonally away from the side wall (Figure 2), the heating member is resistive (column 3, line 67-column 4, line 2), side rails/feet (20) to support the cabinet above a horizontal surface, and the first and second heating members help support the control box (Figure 2, column 3, line 56-column 4, line 12). Hansen does not disclose a control box mounted on the exterior and heating members within the cabinet, a door which provides an opening to the cabinet, an air gap between control box and cabinet, frontal portion of cabinet is inclined, and a transparent window. Wang discloses a control box (6) mounted on the exterior (Figure 4) and heating members (12, 27) within the cabinet, a door (8) which provides an opening to the cabinet (Figure 4), an air gap between control box and cabinet (Figure 4), an inclined frontal portion (Figures 1-2), and a transparent window (3). It would have been obvious to one of ordinary skill

in the art at the time the invention was made to have included the control box mounted on the exterior and heating members within the cabinet, the door which provides an opening to the cabinet, an air gap between control box and cabinet, an inclined frontal portion, and the transparent window of Wang in the oven of Hansen because, the control box mounted on the exterior and heating members within the cabinet, the door, the air gap between control box and cabinet, the inclined frontal portion, and the transparent window allows the heat to be contained in an enclosed space which allows the food to be cooked/warmed more uniformly and efficiently.

7. Claims 5 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Wang as applied to claims 1, 18, and 23 above, and further in view of Sandor et al (US6080967).

Hansen in view of Wang discloses all of the recited subject matter except a door which can slide under the oven cabinet below the horizontal surface. Sandor et al discloses a door (14) which can slide under the oven cabinet below the horizontal surface (Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the sliding door of Sandor et al in the oven of Hansen and Wang because, a sliding door allows easier access to the cabinet interior.

8. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Wang as applied to claim 1 above, and further in view of Bullard (US5515773).

Hansen in view of Wang discloses all of the recited subject matter except a countdown timer. Bullard discloses a countdown timer (20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the countdown timer of Bullard in the

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oven of Hansen and Wang because, a countdown timer allows the heating period to be controlled more accurately.

Allowable Subject Matter

9. Claims 10-11, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither discloses nor suggests a light which illuminates an interior of the cabinet when the control box is mounted on the cabinet, and wherein the control box is mounted to the cabinet by means of a manually activated latch.

Conclusion

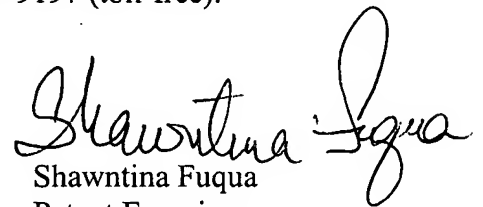
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawntina T. Fuqua whose telephone number is (571) 272-4779. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

stf
March 15, 2005


Shawntina Fuqua
Patent Examiner
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